IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

–

–

WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

–

WRIT PETITION No.17685 OF 2005

Between:

Pillamarri Yashoda … Petitioner

Versus

The Revenue Divisional Officer,

Mancherial Division, Adilabad district

& Ors. … Respondents

Counsel for the Petitioner : Mr.H.VENUGOPAL

Counsel for the Respondents 1 & 2: GOVT.PLEADER FOR REVENUE

Counsel for the Respondent No.3: None appeared

O R D E R :

This writ petition is filed questioning the resumption order dated 25-7-2005 in Proceedings Rc.No.D/1947/2005 passed by the second respondent without issuing any notice or opportunity of hearing the petitioner as bad, illegal, void and violative of the principles of natural justice and consequently set aside the same.

The case of the petitioner is that her husband, late Pillalamarri Damodar purchased the agricultural land in an extent of Acs:4-00 in survey no.8/B situate at Bavaraopet village of Chinnur Revenue Mandal, Adilabad district, under a registered sale deed

dated 09-6-1975 from its pattedar one Mr.Ghulam Dastagir. Since the date of purchase, her husband cultivated the same and after the death of her husband, her children are cultivating the said lands as absolute owners.

The petitioner submits that after the death of her husband, mutation was effected in the revenue records in her favour and accordingly pattedar passbook and title deeds were issued.

While things stood thus, one Mr.Sabir Hussain, s/o. late Ghulam Mohammed, claims to be grandson of Mr.Ghulam Dastagir filed an application before the second respondent and on the basis of the said application, the second respondent passed the impugned order without affording any opportunity to her and now the impugned action of the second respondent is bad, illegal and contrary to the settled principles of law.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage, directing the petitioner to submit her explanation to the Proceedings Rc.No.D/1947/2005 dated 25-7-2005 by treating it as show cause notice, within four weeks from the date of receipt of a copy of final order in the main writ petition and thereafter, the Mandal Revenue Officer, Chinnur, Adilabad district, is directed to consider and pass appropriate orders on merits and in accordance with law, within twelve weeks. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioner, without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No

costs.

AUGUST 10th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.